

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**UNITED STATES OF AMERICA  
PLAINTIFF**

**v.**

**MICHAEL DAVID HARVEY,  
DEFENDANT**

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**CR. NO. 1:06-CR-00107-MHT**

**NOTICE OF INTENT TO SEEK DOWNWARD DEPARTURE AND  
NOTICE RESPECTING LENGTH OF SENTENCING HEARING**

Comes now Defendant, Michael David Harvey, by and through counsel of record, and pursuant to paragraph 3(h) of Defendant's Plea Agreement gives notice to the Court and the United States of his intent to seek a sentence below the guidelines range, a downward departure, or a variance under 18 U.S.C. 3553(a). As grounds for Defendant seeking a sentence below the guidelines range, a downward departure, or a variance under 18 U.S.C. 3553(a), defendant expects to present evidence with respect to Defendant's diminished capacity supported by expert testimony and family history. In addition, Defendant intends to introduce evidence supporting his objections to the pre-sentence report which are due for submission on or before July 23, 2007.

For the Court's planning purposes, Defendant advises the Court and the United States that he estimates the length of the sentencing hearing to be in excess of one day. Defendant has identified ten (10) witnesses he may call to testify at the sentencing hearing including at least one expert witness.

Respectfully submitted this day, July 11, 2007.

/s/Timothy C. Halstrom

Timothy C. Halstrom  
Bar Number HAL021  
Attorney for Defendant

Of Counsel:

Timothy C. Halstrom  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 11, 2007, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to the respective parties.

/s/Timothy C. Halstrom

Timothy C. Halstrom  
Bar Number HAL021